

AMENDED IN ASSEMBLY MARCH 8, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 24**

**Introduced by Assembly Member Maze**

December 6, 2004

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An act to *amend Section 4800 of, and to add Section 4810 to, the Fish and Game Code, relating to mountain lions.*

LEGISLATIVE COUNSEL'S DIGEST

AB 24, as amended, Maze. Mountain lions: license tags.

Proposition 117, an initiative measure approved by the electors at the June 5, 1990, primary election, enacted the California Wildlife Protection Act of 1990. The act protects the mountain lion (genus *Felis*) under the laws of this state ~~and but does not prohibit the sale or possession of any mountain lion or any part or product thereof, if the owner can demonstrate that the mountain lion, or part or product thereof, was in the person's possession on June 6, 1990.~~ The act authorizes any person, or the employee or agent of a person, whose livestock or other property is being or has been injured, damaged, or destroyed by a mountain lion to request a permit to take the mountain lion, as provided. The act prohibits the Legislature from changing the special protection of that mammal except by a 4/5 vote of the membership of both houses of the Legislature and then only if consistent with, and in furtherance of, the purposes of the act.

This bill would require the Department of Fish and Game to annually conduct a *statewide* lottery for the issuance of ~~2 116~~ license tags ~~per county, for the hunting and killing of mountain lions, for each county in this state with a known mountain lion population, as specified.~~ The bill would specify the eligibility requirements for participation in the lottery. The bill would permit a license tag holder

*to use no more than 3 dogs to hunt mountain lions during the open season, and would specify that the open season for the hunting of mountain lions is all year. The bill would also require the Fish and Game Commission to establish, by regulation, mountain lion hunting zones throughout California and the number of tags to be issued for each zone. The bill would require the commission to prohibit the taking of mountain lion cubs and female mountain lions accompanied by mountain lion cubs and to determine, by regulation, the definition of a mountain lion cub for purposes of the prohibition. The bill would permit the sale or possession of any mountain lion or any part or product thereof, if the mountain lion was taken in accordance with its provisions.*

Vote:  $\frac{4}{5}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4800 of the Fish and Game Code is  
2     amended to read:  
3     4800. (a) The mountain lion (genus *Felis*) is a specially  
4     protected mammal under the laws of this state.  
5     (b) It is unlawful to take, injure, possess, transport, import, or  
6     sell any mountain lion or any part or product thereof, except as  
7     specifically provided in this chapter or in Chapter 2  
8     (commencing with Section 2116) of Division 3. This chapter  
9     does not prohibit the sale or possession of any mountain lion or  
10    any part or product thereof, ~~when the~~ if either of the following  
11    apply:  
12    (1) The owner can demonstrate that the mountain lion, or part  
13    or product thereof, was in the person's possession on June 6,  
14    1990.  
15    (2) The owner can demonstrate that the mountain lion, or any  
16    part or product thereof, was taken in accordance with Section  
17    4810.  
18    (c) Any violation of this section is a misdemeanor punishable  
19    by imprisonment in the county jail for not more than one year, or  
20    a fine of not more than ten thousand dollars (\$10,000), or by both  
21    that fine and imprisonment. An individual is not guilty of a  
22    violation of this section if it is demonstrated that, in taking or

1 injuring a mountain lion, the individual was acting in  
2 self-defense or in defense of others.

3 (d) Section 219 does not apply to this chapter. Neither the  
4 commission nor the department shall adopt any regulation that  
5 conflicts with or supersedes any of the provisions of this chapter.

6 **SECTION 1.**

7 *SEC. 2.* Section 4810 is added to the Fish and Game Code , to  
8 read:

9 4810. (a) The department shall annually conduct a *statewide*  
10 lottery for the issuance of ~~two~~ *116* mountain lion license tags ~~per~~  
11 ~~county~~, for the hunting and killing of mountain lions, ~~for each~~  
12 ~~county in this state with a known mountain lion population, as~~  
13 ~~determined by the department~~ lions. *The license tags shall be*  
14 *issued to 116 individuals who have applied to participate in the*  
15 *lottery and meet the eligibility requirements of subdivision (b).*  
16 Each tag shall expire one year after the date of issuance.

17 (b) Any resident of this state, 12 years of age or over, who  
18 possesses a valid hunting license, ~~and who lives in a county with~~  
19 ~~a known mountain lion population~~, may apply to participate in  
20 the lottery prescribed in subdivision (a) ~~for the county in which~~  
21 ~~the resident resides~~.

22 (c) The holder of a mountain lion license tag shall carry the tag  
23 while hunting mountain lions and, upon the killing of any  
24 mountain lion, shall immediately fill out both parts of the tag and  
25 punch out clearly the date of the kill. One part of the tag shall be  
26 immediately attached to the ear of the mountain lion and kept  
27 attached during the open season and for 15 days thereafter. The  
28 other part of the tag shall be immediately sent to the department.

29 (d) *The holder of a mountain lion license tag may use no more*  
30 *than three dogs for the hunting of mountain lions during the open*  
31 *season.*

32 (e) *The open season for the hunting of mountain lions shall be*  
33 *all year.*

34 (f) *The commission shall establish, by regulation, mountain*  
35 *lion hunting zones throughout California and the number of*  
36 *license tags to be issued for each zone. The commission shall*  
37 *prohibit the taking of mountain lion cubs and female mountain*  
38 *lions accompanied by mountain lion cubs, and shall determine,*  
39 *by regulation, the definition of a mountain lion cub for purposes*  
40 *of this prohibition.*

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